



# New Roads and Street Works Act 1991

## 1991 CHAPTER 22

### PART III

#### STREET WORKS IN ENGLAND AND WALES

##### *Duties and liabilities of undertakers with respect to apparatus*

#### **81 Duty to maintain apparatus.**

- (1) An undertaker having apparatus in the street shall secure that the apparatus is maintained to the reasonable satisfaction of—
  - (a) the street authority, as regards the safety and convenience of persons using the street (having regard, in particular, to the needs of people with a disability), the structure of the street and the integrity of apparatus of the authority in the street, and
  - (b) any other relevant authority, as regards any land, structure or apparatus of theirs;and he shall afford reasonable facilities to each such authority for ascertaining whether it is so maintained.
- (2) For this purpose maintenance means the carrying out of such works as are necessary to keep the apparatus in efficient working condition (including periodic renewal where appropriate); and includes works rendered necessary by other works in the street, other than major highway, bridge or transport works (as to which, see sections 84 and 85 below).
- (3) If an undertaker fails to give a relevant authority the facilities required by this section—
  - (a) the street authority may in such cases as may be prescribed, and
  - (b) any other relevant authority may in any case,execute such works as are needed to enable them to inspect the apparatus in question, including any necessary breaking up or opening of the street.

*Status: Point in time view as at 26/02/2015. This version of this provision has been superseded.*

*Changes to legislation: New Roads and Street Works Act 1991, Section 81 is up to date with all changes known to be in force on or before 16 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (4) If an undertaker fails to secure that apparatus is maintained to the reasonable satisfaction of a relevant authority in accordance with this section—
- (a) the street authority may in such cases as may be prescribed, and
  - (b) any other relevant authority may in any case,
- execute any emergency works needed in consequence of the failure.
- (5) The provisions of this Part apply in relation to works executed by a relevant authority under subsection (3) or (4) as if they were executed by the undertaker; and the undertaker shall indemnify the authority in respect of the costs reasonably incurred by them in executing the works.
- (6) A relevant authority who execute or propose to execute any works under subsection (3) or (4) shall give notice to any other relevant authority as soon as reasonably practicable stating the general nature of the works.
- (7) Nothing in subsection (3) or (4) shall be construed as excluding any other means of securing compliance with the duties imposed by subsection (1).

#### Modifications etc. (not altering text)

- C1** Pt. 3 applied (with modifications) (9.4.2013) by [The Hinkley Point C \(Nuclear Generating Station\) Order 2013 \(S.I. 2013/648\)](#), arts. 1, **9** (with arts. 48, 68, 79)
- C2** Pt. 3 restricted (6.8.2014) by [The Rampion Offshore Wind Farm Order 2014 \(S.I. 2014/1873\)](#), art. 1, **Sch. 12 Pt. 2 para. 3** (with arts. 12, 13, Sch. 12 Pt. 1 paras. 6(3), 19, Pt. 2 paras. 3, 6, 13, Pt. 3 para. 5, Pt. 4 para. 4, Pt. 5 para. 4)
- C3** Pt. 3 modified (24.9.2014) by [The Thames Water Utilities Limited \(Thames Tideway Tunnel\) Order 2014 \(S.I. 2014/2384\)](#), arts. 1, **10(5)**, 11(4)
- C4** S. 81: functions of a local authority made exercisable by, or by employees of, such person as may be authorised in that behalf by the local highway authority whose function it is (23.7.1999) by [S.I. 1999/2106](#), art. 2, Sch. 2 paras. 1(o), **3(a)**
- C5** Ss. 54-106 applied (28.2.2013) by [The Rookery South \(Resource Recovery Facility\) Order 2011 2013 \(S.I. 2013/680\)](#), **art. 10(3)**
- C6** Ss. 54-106 applied (9.4.2013) by [The Lancashire County Council \(Torrisholme to the M6 Link \(A683 Completion of Heysham to M6 Link Road\)\) Order 2013 \(S.I. 2013/675\)](#), arts. 1, **9(2)**
- C7** Ss. 54-106 applied (15.6.2013) by [The Galloper Wind Farm Order 2013 \(S.I. 2013/1203\)](#), arts. 1, **13(3)** (with arts. 11, 12)
- C8** Ss. 54-106 applied (15.8.2013) by [The North Blyth Biomass Power Station Order 2013 \(S.I. 2013/1873\)](#), arts. 1, **9(3)** (with art. 30)
- C9** Ss. 54-106 applied (7.7.2014) by [The East Anglia ONE Offshore Wind Farm Order 2014 \(S.I. 2014/1599\)](#), arts. 1, **8(3)** (with arts. 37, 38, Sch. 9 para. 19)
- C10** Ss. 54-106 applied (6.8.2014) by [The Rampion Offshore Wind Farm Order 2014 \(S.I. 2014/1873\)](#), arts. 1, **15(3)** (with arts. 7(6), 12, 13, Sch. 12 Pt. 1 para. 19, Sch. 12 Pt. 2 para. 6, sch. 12 Pt. 3 para. 5, Sch. 12 Pt. 4 para. 4, Sch. 12 Pt. 5 para. 4)
- C11** Ss. 54-106 applied (24.9.2014) by [The Thames Water Utilities Limited \(Thames Tideway Tunnel\) Order 2014 \(S.I. 2014/2384\)](#), arts. 1, **10(4)**, 11(5) (with arts. 55, 56)
- C12** Ss. 54-106 applied (2.10.2014) by [The North Killingholme \(Generating Station\) Order 2014 \(S.I. 2014/2434\)](#), arts. 1, **9(3)** (with arts. 6, 9(4), 13, Sch. 8 Pt. 1 para. 6, Sch. 8 Pt. 3 paras. 4(3), 6, 17, Sch. 8 Pt. 5 para. 9)
- C13** Ss. 54-106 applied (29.10.2014) by [The Able Marine Energy Park Development Consent Order 2014 \(S.I. 2014/2935\)](#), **art. 15(3)** (with arts. 30(4), 53)
- C14** Ss. 54-106 applied (28.11.2014) by [The Walney Extension Offshore Wind Farm Order 2014 \(S.I. 2014/2950\)](#), arts. 1, **10(3)** (with arts. 38, 39)

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- C15** Ss. 54-106 applied (7.1.2015) by The Willington C Gas Pipeline Order 2014 (S.I. 2014/3328), arts. 1, **10(3)**
- C16** Ss. 54-106 applied (2.2.2015) by The Northumberland County Council (A1 – South East Northumberland Link Road (Morpeth Northern Bypass)) Development Consent Order 2015 (S.I. 2015/23), arts. 1, **9(2)**
- C17** Ss. 54-106 applied (26.2.2015) by The Cornwall Council (A30 Temple to Higher Carblake Improvement) Order 2015 (S.I. 2015/147), arts. 1, **9(3)**

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**Commencement Information**

- II** S. 81 wholly in force: s. 81(1)(2)(5)-(7) in force at 1.1.1993, see s. 170(1) and S.I. 1992/2984, art. 2(2), **Sch. 2**; s. 81(3)(4) in force at 14.7.1992 by S.I. 1992/1686, art. 3, **Sch.**

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